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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,866

01/21/2005

Robert Scholl

DE 020183

1248

24737 7590 01/30/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/521,866

Applicant(s)

SCHOLL, ROBERT

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 20007134 U1 (hereinafter “ Treuhand”) in view of Imamura et al. (U.S. Patent 4,665,341) and JP 07235624 A (hereinafter “ Toyoda”).

Regarding claim 1, Treuhand discloses a gas- discharge lamp (reference number 6), and LED (reference number 10) and an optical component for additive mixing of the light from the gas-discharge lamp and the LED (reference number 7), the lamp and the LED arranged in a housing so as to achieve additive mixing of the light by the optical component (abstract). Treuhand does not disclose a gas-discharge lamp with a color point in the green-blue or an LED with a color point in the yellow-red.

Imamura et al. discloses a gas-discharge lamp with a color point in the green-blue (column 4, lines 35-65).

Toyoda discloses an LED with a color point in the yellow-red (English abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Imamura et al. in the apparatus of Treuhand to produce the desired color effects. See the abstract of Imamura.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LED of Toyoda in the apparatus of Treuhand to provide the desired color effects.

Concerning claim 2, Treuhand discloses a fluorescent lamp (reference number 6).

Concerning claim 4, Treuhand does not disclose an AlGaAs red LED. Toyoda discloses an inorganic LED, in particular a red-emitting AlGaAs LED (English abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LED of Toyoda in the apparatus of Treuhand and Imamura et al. to provide the desired color effects.

Regarding claim 8, Treuhand discloses the step of additive mixing of the light from the gas-discharge lamp and the LED by means of an optical component (reference number 7). Truehand does not disclose a gas-discharge lamp or an LED with the claimed colors.

Imamura et al. discloses the step of generating light with a color point in the green blue by means of a gas-discharge lamp (column 4, lines 35-45).

Toyoda discloses the step of generating a light with a color point in the yellow-red by means of an LED (English abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Imamura et al. in the apparatus of Treuhand to produce the desired color effects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LED of Toyoda in the apparatus of Treuhand to provide the desired color effects.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truehand in view of Imamura et al. and Toyoda as applied to claim 2 above, and further in view of Van Kemenade et al. (U.S. Patent 4,727,283).

Regarding claim 3, Treuhand does not disclose a low-pressure mercury vapour discharge lamp with BAM or CAT. Imamura et al. discloses the fluorescent lamp as a lamp on which in particular the phosphor BAM is applied for the generation of the blue light and/or the phosphor CAT is applied for the generation of green light (column 4, line 40). Treuhand, Imamura et al. and Toyoda do not disclose a low-pressure mercury vapour discharge lamp. Van Kemenade et al. discloses a low-pressure mercury vapour discharge lamp (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamp of Imamura et al. in the apparatus of Treuhand and Toyoda to produce the desired color effects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Van Kemenade et al. in the apparatus of

Treuhand, Toyoda and Imamura to achieve low color temperatures. See the abstract of Van Kemenade.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treuhand in view of Imamura et al. and Toyoda as applied to claim 1 above, and further in view of Ohishi et al. (U.S. Patent 2001/0005319 A1).

Regarding claim 5, Treuhand, Imamura et al. and Toyoda do not disclose a control component. Ohishi et al. discloses a control component for controlling the color point of the lamp system (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control component of Ohishi et al. in the apparatus of Treuhand, Imamura et al. and Toyoda to enable one to vary the color output. See the abstract of Ohishi et al.

Concerning claim 6, Treuhand, Imamura et al. and Toyoda do not disclose a control component. Ohishi et al. discloses a control component that is designed to control the color point of the lamp system by controlling the power of the LED (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control component of Ohishi et al. in the apparatus of Treuhand, Imamura et al. and Toyoda to enable one to vary the color output. See the abstract of Ohishi et al.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treuhand in view of Imamura et al., Toyoda and Ohishi et al. as applied to claim 5 above, and further in view of Callahan (U.S. Patent 4,894,760).

Regarding claim 7, Treuhand, Imamura et al., Toyoda and Ohishi et al. do not disclose a control component for the optical component. Callahan discloses a control component that is designed to control the color point of the lamp system by controlling the mixing characteristics of the optical component (abstract, Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Callahan in the apparatus of Treuhand, Imamura et al., Toyoda and Ohishi et al. to produce the desired optical effects. See the abstract of Callahan.

Response to Arguments

6. Applicant's arguments filed 11/15/06 have been fully considered but they are not persuasive.

Applicant argues that Toyoda discloses a lamp that mixes wavelengths to produce white light, meaning that a lamp that emits light in the red-yellow spectrum is not disclosed. To the contrary, any of the leads may be used, which means that it is possible to use only the red lead. Thus, only red light is produced, which is in the red-yellow spectrum.

The other arguments are rendered moot due to new grounds of rejection.

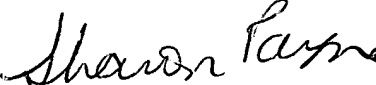
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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